

SENATE BILL No. 14

By Committee on Judiciary

1-11

1 AN ACT concerning governmental response to the COVID-19 pandemic
2 in Kansas; providing certain relief related to health, welfare, property
3 and economic security during this public health emergency; relating to
4 the state of disaster emergency; powers of the governor and executive
5 officers; providing certain limitations and restrictions; authorizing the
6 temporary sale of alcoholic liquor for consumption off of certain
7 licensed premises; authorizing the expanded use of telemedicine in
8 response to the COVID-19 public health emergency and imposing
9 requirements related thereto; suspending certain requirements related to
10 medical care facilities and expiring such provisions; providing for
11 temporary suspension of certain healthcare professional licensing and
12 practice requirements; delegation and supervision requirements;
13 conditions of licensure and renewal and reinstatement of licensure;
14 relating to limitations on business liability associated with the COVID-
15 19 public health emergency; amending K.S.A. 2019 Supp. 48-925, as
16 amended by section 34 of chapter 1 of the 2020 Special Session Laws
17 of Kansas and 48-925, as amended by section 34 of chapter 1 of the
18 2020 Special Session Laws of Kansas, as amended by section 4 of this
19 act, and K.S.A. 2020 Supp. 41-2653, 48-924, 48-924b, 48-925a, 48-
20 963, 48-965, 48-966 and 60-5504 and repealing the existing sections.

21

22 *Be it enacted by the Legislature of the State of Kansas:*

23 Section 1. K.S.A. 2020 Supp. 41-2653 is hereby amended to read as
24 follows: 41-2653. (a) In addition to the rights of a licensee pursuant to
25 provisions of K.S.A. 41-2637, 41-2641 or 41-2642, and amendments
26 thereto, a class A club license, class B club license or drinking
27 establishment license shall allow the licensee to allow legal patrons of the
28 club or drinking establishment to remove from the licensed premises one
29 or more opened containers of alcoholic liquor, subject to the following
30 conditions:

31 (1) It must be legal for the licensee to sell the alcoholic liquor in its
32 original container;

33 (2) the alcoholic liquor must be in its original container;

34 (3) each container of alcoholic liquor must have been purchased by a
35 patron and the alcoholic liquor in each container must have been partially
36 consumed on the licensed premises;

1 (4) the licensee or the licensee's employee must provide the patron
2 with a dated receipt for the unfinished container or containers of alcoholic
3 liquor; and

4 (5) before the container of alcoholic liquor is removed from the
5 licensed premises, the licensee or the licensee's employee must securely
6 reseal each container, place the container in a tamper-proof, transparent
7 bag which is sealed in a manner that makes it visibly apparent if the bag is
8 subsequently tampered with or opened.

9 (b) (1) In addition to the rights of a licensee pursuant to provisions of
10 K.S.A. 41-2637, 41-2641 or 41-2642, and amendments thereto, and the
11 provisions of subsection (a), a class A club license, class B club license or
12 drinking establishment license shall allow the licensee to allow legal
13 patrons of the club or drinking establishment to remove from the licensed
14 premises one or more containers of alcoholic liquor that is not in the
15 original container, subject to the following conditions:

16 (A) It must be legal for the licensee to sell the alcoholic liquor;

17 (B) each container of alcoholic liquor must have been purchased by a
18 patron on the licensed premises;

19 (C) the licensee or the licensee's employee must provide the patron
20 with a dated receipt for the alcoholic liquor; and

21 (D) before the container of alcoholic liquor is removed from the
22 licensed premises, the licensee or the licensee's employee must place the
23 container in a transparent bag that is sealed in a manner that makes it
24 visibly apparent if the bag is subsequently tampered with or opened.

25 (2) The provisions of this subsection shall expire on ~~January 26~~
26 *March 31, 2021.*

27 (c) This section shall be *a* part of and supplemental to the club and
28 drinking establishment act.

29 Sec. 2. K.S.A. 2020 Supp. 48-924 is hereby amended to read as
30 follows: 48-924. (a) The governor shall be responsible for meeting the
31 dangers to the state and people presented by disasters.

32 (b) (1) Subject to the provisions of K.S.A. 2020 Supp. 48-924b, and
33 amendments thereto, the governor, upon finding that a disaster has
34 occurred or that occurrence or the threat thereof is imminent, shall issue a
35 proclamation declaring a state of disaster emergency.

36 (2) In addition to or instead of the proclamation authorized by K.S.A.
37 47-611, and amendments thereto, the governor, upon a finding or when
38 notified pursuant to K.S.A. 47-611, and amendments thereto, that a
39 quarantine or other regulations are necessary to prevent the spread among
40 domestic animals of any contagious or infectious disease, may issue a
41 proclamation declaring a state of disaster emergency. In addition to or
42 instead of any actions pursuant to the provisions of K.S.A. 2-2114, and
43 amendments thereto, the governor, upon a finding or when notified

1 pursuant to K.S.A. 2-2112 et seq., and amendments thereto, that a
2 quarantine or other regulations are necessary to prevent the spread among
3 plants, raw agricultural commodities, animal feed or processed food of any
4 contagious or infectious disease, may issue a proclamation declaring a
5 state of disaster emergency.

6 (3) The state of disaster emergency so declared shall continue until
7 the governor finds that the threat or danger of disaster has passed, or the
8 disaster has been dealt with to the extent that emergency conditions no
9 longer exist. Upon making such findings the governor shall terminate the
10 state of disaster emergency by proclamation, but except as provided in
11 paragraph (4), no state of disaster emergency may continue for longer than
12 15 days unless ratified by concurrent resolution of the legislature, with the
13 single exception that upon specific application by the governor to the state
14 finance council and an affirmative vote of a majority of the legislative
15 members thereof, a state of disaster emergency may be extended once for a
16 specified period not to exceed 30 days beyond such 15-day period.

17 (4) If the state of disaster emergency is proclaimed pursuant to
18 paragraph (2), the governor shall terminate the state of disaster emergency
19 by proclamation within 15 days, unless ratified by concurrent resolution of
20 the legislature, except that when the legislature is not in session and upon
21 specific application by the governor to the state finance council and an
22 affirmative vote of a majority of the legislative members thereof, a state of
23 disaster emergency may be extended for a specified period not to exceed
24 30 days. The state finance council may authorize additional extensions of
25 the state of disaster emergency by a unanimous vote of the legislative
26 members thereof for specified periods not to exceed 30 days each. Such
27 state of disaster emergency shall be terminated on the 15th day of the next
28 regular legislative session following the initial date of the state of disaster
29 emergency unless ratified by concurrent resolution of the legislature.

30 (5) The state of disaster emergency described in K.S.A. 2020 Supp.
31 48-924b, and amendments thereto, shall terminate on September 15, 2020,
32 as provided in K.S.A. 2020 Supp. 48-924b, and amendments thereto,
33 except that when the legislature is not in session *or is adjourned during*
34 *session for three or more days*, and upon specific application by the
35 governor to the state finance council and an affirmative vote of at least six
36 of the legislative members of the council, this state of disaster emergency
37 may be extended for specified periods not to exceed 30 days each. No such
38 extension granted by the state finance council shall continue past ~~January~~
39 ~~26 March 31, 2021.~~

40 (6) At any time, the legislature by concurrent resolution may require
41 the governor to terminate a state of disaster emergency. Upon such action
42 by the legislature, the governor shall issue a proclamation terminating the
43 state of disaster emergency.

1 (7) Any proclamation declaring or terminating a state of disaster
2 emergency which is issued under this subsection shall indicate the nature
3 of the disaster, the area or areas threatened or affected by the disaster and
4 the conditions which have brought about, or which make possible the
5 termination of, the state of disaster emergency. Each such proclamation
6 shall be disseminated promptly by means calculated to bring its contents to
7 the attention of the general public and, unless the circumstances attendant
8 upon the disaster prevent the same, each such proclamation shall be filed
9 promptly with the division of emergency management, the office of the
10 secretary of state and each city clerk or county clerk, as the case may be, in
11 the area to which such proclamation applies.

12 (c) In the event of the absence of the governor from the state or the
13 existence of any constitutional disability of the governor, an officer
14 specified in K.S.A. 48-1204, and amendments thereto, in the order of
15 succession provided by that section, may issue a proclamation declaring a
16 state of disaster emergency in the manner provided in and subject to the
17 provisions of subsection (a). During a state of disaster emergency declared
18 pursuant to this subsection, such officer may exercise the powers conferred
19 upon the governor by K.S.A. 48-925, and amendments thereto. If a
20 preceding officer in the order of succession becomes able and available,
21 the authority of the officer exercising such powers shall terminate and such
22 powers shall be conferred upon the preceding officer. Upon the return of
23 the governor to the state or the removal of any constitutional disability of
24 the governor, the authority of an officer to exercise the powers conferred
25 by this section shall terminate immediately and the governor shall resume
26 the full powers of the office. Any state of disaster emergency and any
27 actions taken by an officer under this subsection shall continue and shall
28 have full force and effect as authorized by law unless modified or
29 terminated by the governor in the manner prescribed by law.

30 (d) A proclamation declaring a state of disaster emergency shall
31 activate the disaster response and recovery aspects of the state disaster
32 emergency plan and of any local and interjurisdictional disaster plans
33 applicable to the political subdivisions or areas affected by the
34 proclamation. Such proclamation shall be authority for the deployment and
35 use of any forces to which the plan or plans apply and for use or
36 distribution of any supplies, equipment, materials or facilities assembled,
37 stockpiled or arranged to be made available pursuant to this act during a
38 disaster.

39 (e) The governor, when advised pursuant to K.S.A. 74-2608, and
40 amendments thereto, that conditions indicative of drought exist, shall be
41 authorized to declare by proclamation that a state of drought exists. This
42 declaration of a state of drought can be for specific areas or communities,
43 can be statewide or for specific water sources and shall effect immediate

1 implementation of drought contingency plans contained in state approved
2 conservation plans, including those for state facilities.

3 Sec. 3. K.S.A. 2020 Supp. 48-924b is hereby amended to read as
4 follows: 48-924b. (a) The state of disaster emergency that was declared by
5 the governor pursuant to K.S.A. 48-924, and amendments thereto, as a
6 result of the COVID-19 health emergency, by proclamation on March 12,
7 2020, which was ratified and continued in force and effect through May 1,
8 2020, by 2020 House Concurrent Resolution No. 5025, adopted by the
9 house of representatives with the senate concurring therein on March 19,
10 2020, declared by proclamation on April 30, 2020, which was extended
11 and continued in existence by the state finance council on May 13, 2020,
12 for an additional 12 days through May 26, 2020, and declared by
13 proclamation on May 26, 2020, *which was ratified and continued in*
14 *existence through September 15, 2020, by this section, extended and*
15 *continued in existence by the state finance council on September 11, 2020,*
16 *for an additional 30 days through October 15, 2020, extended and*
17 *continued in existence by the state finance council on October 7, 2020, for*
18 *an additional 30 days through November 15, 2020, extended and*
19 *continued in existence by the state finance council on November 13, 2020,*
20 *for an additional 30 days through December 15, 2020, extended and*
21 *continued in existence by the state finance council on December 11, 2020,*
22 *for an additional 26 days through January 10, 2021, and extended and*
23 *continued in existence by the state finance council on January 6, 2021, for*
24 *an additional 16 days through January 26, 2021, for all 105 counties of*
25 Kansas, is hereby ratified and continued in existence from March 12,
26 2020, through ~~September 15, 2020~~ *March 31, 2021.*

27 (b) The governor shall not proclaim any new state of disaster
28 emergency related to the COVID-19 health emergency during 2020 *or*
29 *2021*, unless the governor makes specific application to the state finance
30 council and an affirmative vote of at least six of the legislative members of
31 the council approve such action by the governor.

32 Sec. 4. On and after January 26, 2021, K.S.A. 2019 Supp. 48-925, as
33 amended by section 34 of chapter 1 of the 2020 Special Session Laws of
34 Kansas, is hereby amended to read as follows: 48-925. (a) During any state
35 of disaster emergency declared under K.S.A. 48-924, and amendments
36 thereto, the governor shall be commander-in-chief of the organized and
37 unorganized militia and of all other forces available for emergency duty.
38 To the greatest extent practicable, the governor shall delegate or assign
39 command authority by prior arrangement, embodied in appropriate
40 executive orders or in rules and regulations of the adjutant general, but
41 nothing herein shall restrict the authority of the governor to do so by
42 orders issued at the time of a disaster.

43 (b) Under the provisions of this act and for the implementation

1 ~~thereof of this act~~, the governor may issue orders ~~and proclamations which~~
2 ~~shall to exercise the powers conferred by subsection (c) that have the force~~
3 and effect of law during the period of a state of disaster emergency
4 declared under ~~subsection (b) of K.S.A. 48-924(b)~~, and amendments
5 thereto, ~~and which~~ or as provided in *K.S.A. 2020 Supp. 48-924b*, and
6 amendments thereto. *Within 24 hours of the issuance of any such order, the*
7 *governor shall call a meeting of the state finance council for the purposes*
8 *of reviewing such order. Such orders and proclamations shall be null and*
9 *void thereafter unless ratified by concurrent resolution of the legislature*
10 *after the period of a state of disaster emergency has ended.* Such orders
11 and proclamations may be revoked at any time by concurrent resolution of
12 the legislature.

13 (c) During a state of disaster emergency declared under K.S.A. 48-
14 924, and amendments thereto, ~~and~~ in addition to any other powers
15 conferred upon the governor by law *and subject to the provisions of*
16 *subsection (d), (e) and (f)*, the governor may:

17 (1) Suspend the provisions of any regulatory statute prescribing the
18 procedures for conduct of state business, or the orders or rules and
19 regulations of any state agency which implements such statute, if strict
20 compliance with the provisions of such statute, order or rule and regulation
21 would prevent, hinder or delay in any way necessary action in coping with
22 the disaster;

23 (2) utilize all available resources of the state government and of each
24 political subdivision as reasonably necessary to cope with the disaster;

25 (3) transfer the supervision, personnel or functions of state
26 departments and agencies or units thereof for the purpose of performing or
27 facilitating emergency management activities;

28 (4) subject to any applicable requirements for compensation under
29 K.S.A. 48-933, and amendments thereto, commandeer or utilize any
30 private property if the governor finds such action necessary to cope with
31 the disaster;

32 (5) direct and compel the evacuation of all or part of the population
33 from any area of the state stricken or threatened by a disaster, if the
34 governor deems this action necessary for the preservation of life or other
35 disaster mitigation, response or recovery;

36 (6) prescribe routes, modes of transportation and destinations in
37 connection with such evacuation;

38 (7) control ingress and egress of persons and animals to and from a
39 disaster area, the movement of persons and animals within the area and the
40 occupancy by persons and animals of premises therein;

41 (8) suspend or limit the sale, dispensing or transportation of alcoholic
42 beverages, explosives and combustibles;

43 (9) make provision for the availability and use of temporary

1 emergency housing;

2 (10) require and direct the cooperation and assistance of state and
3 local governmental agencies and officials; and

4 (11) perform and exercise such other functions, powers and duties *in*
5 *conformity with the constitution and the bill of rights of the state of*
6 *Kansas and with the statutes of the state of Kansas, except any regulatory*
7 *statute specifically suspended under the authority of subsection (c)(1), as*
8 *are necessary to promote and secure the safety and protection of the*
9 *civilian population.*

10 (d) *The governor shall not have the power or authority to*
11 *temporarily or permanently seize, or authorize seizure of, any ammunition*
12 *or to suspend or limit the sale, dispensing or transportation of firearms or*
13 *ammunition pursuant to subsection (c)(8) or any other executive authority.*

14 (e) *Notwithstanding any provision of this section to the contrary and*
15 *pursuant to the governor's state of disaster emergency proclamation*
16 *issued on May 26, 2020, the governor shall not have the power or*
17 *authority to restrict businesses from operating or to restrict the movement*
18 *or gathering of individuals. The provisions of this subsection shall expire*
19 *on September 15, 2020.*

20 (f) *The governor shall not have the power under the provisions of the*
21 *Kansas emergency management act or the provisions of any other law to*
22 *alter or modify any provisions of the election laws of the state including,*
23 *but not limited to, the method by which elections are conducted or the*
24 *timing of such elections.*

25 (g) The governor shall exercise the powers conferred by subsection
26 (c) by issuance of orders under subsection (b). *Each order issued pursuant*
27 *to the authority granted by subsection (b) shall specify the provision or*
28 *provisions of subsection (c) by specific reference to each paragraph of*
29 *subsection (c) that confers the power under which the order was issued.*
30 The adjutant general, subject to the direction of the governor, shall
31 administer such orders.

32 (h) *The board of county commissioners of any county may issue an*
33 *order relating to public health that includes provisions that are less*
34 *stringent than the provisions of an executive order effective statewide*
35 *issued by the governor. Any board of county commissioners issuing such*
36 *an order must make the following findings and include such findings in the*
37 *order:*

38 (1) *The board has consulted with the local health officer or other*
39 *local health officials regarding the governor's executive order;*

40 (2) *following such consultation, implementation of the full scope of*
41 *the provisions in the governor's executive order are not necessary to*
42 *protect the public health and safety of the county; and*

43 (3) *all other relevant findings to support the board's decision.*

1 Sec. 5. On and after March 31, 2021, K.S.A. 2019 Supp. 48-925, as
2 amended by section 34 of chapter 1 of the 2020 Special Session Laws of
3 Kansas, as amended by section 4 of this act, is hereby amended to read as
4 follows: 48-925. (a) During any state of disaster emergency declared under
5 K.S.A. 48-924, and amendments thereto, the governor shall be
6 commander-in-chief of the organized and unorganized militia and of all
7 other forces available for emergency duty. To the greatest extent
8 practicable, the governor shall delegate or assign command authority by
9 prior arrangement, embodied in appropriate executive orders or in rules
10 and regulations of the adjutant general, but nothing herein shall restrict the
11 authority of the governor to do so by orders issued at the time of a disaster.

12 (b) Under the provisions of this act and for the implementation of this
13 ~~act thereof~~, the governor may issue orders ~~to exercise the powers conferred~~
14 ~~by subsection (c) that~~ and proclamations which shall have the force and
15 effect of law during the period of a state of disaster emergency declared
16 under subsection (b) of K.S.A. 48-924~~(b)~~, and amendments thereto, ~~or as~~
17 ~~provided in K.S.A. 2020 Supp. 48-924b, and amendments thereto. Within~~
18 ~~24 hours of the issuance of any such order, the governor shall call a~~
19 ~~meeting of the state finance council for the purposes of reviewing such~~
20 ~~order. Such and which orders and proclamations shall be null and void~~
21 ~~after the period of a state of disaster emergency has ended thereafter~~
22 ~~unless ratified by concurrent resolution of the legislature.~~ Such orders and
23 proclamations may be revoked at any time by concurrent resolution of the
24 legislature.

25 (c) During a state of disaster emergency declared under K.S.A. 48-
26 924, and amendments thereto, and in addition to any other powers
27 conferred upon the governor by law ~~and subject to the provisions of~~
28 ~~subsection (d), (e) and (f)~~, the governor may:

29 (1) Suspend the provisions of any regulatory statute prescribing the
30 procedures for conduct of state business, or the orders or rules and
31 regulations of any state agency which implements such statute, if strict
32 compliance with the provisions of such statute, order or rule and regulation
33 would prevent, hinder or delay in any way necessary action in coping with
34 the disaster;

35 (2) utilize all available resources of the state government and of each
36 political subdivision as reasonably necessary to cope with the disaster;

37 (3) transfer the supervision, personnel or functions of state
38 departments and agencies or units thereof for the purpose of performing or
39 facilitating emergency management activities;

40 (4) subject to any applicable requirements for compensation under
41 K.S.A. 48-933, and amendments thereto, commandeer or utilize any
42 private property if the governor finds such action necessary to cope with
43 the disaster;

1 (5) direct and compel the evacuation of all or part of the population
2 from any area of the state stricken or threatened by a disaster, if the
3 governor deems this action necessary for the preservation of life or other
4 disaster mitigation, response or recovery;

5 (6) prescribe routes, modes of transportation and destinations in
6 connection with such evacuation;

7 (7) control ingress and egress of persons and animals to and from a
8 disaster area, the movement of persons and animals within the area and the
9 occupancy by persons and animals of premises therein;

10 (8) suspend or limit the sale, dispensing or transportation of alcoholic
11 beverages, explosives and combustibles;

12 (9) make provision for the availability and use of temporary
13 emergency housing;

14 (10) require and direct the cooperation and assistance of state and
15 local governmental agencies and officials; and

16 (11) perform and exercise such other functions, powers and duties ~~in~~
17 ~~conformity with the constitution and the bill of rights of the state of~~
18 ~~Kansas and with the statutes of the state of Kansas, except any regulatory~~
19 ~~statute specifically suspended under the authority of subsection (e)(1), as~~
20 ~~are necessary to promote and secure the safety and protection of the~~
21 ~~civilian population.~~

22 (d) ~~The governor shall not have the power or authority to temporarily~~
23 ~~or permanently seize, or authorize seizure of, any ammunition or to~~
24 ~~suspend or limit the sale, dispensing or transportation of firearms or~~
25 ~~ammunition pursuant to subsection (e)(8) or any other executive authority.~~

26 (e) ~~Notwithstanding any provision of this section to the contrary and~~
27 ~~pursuant to the governor's state of disaster emergency proclamation issued~~
28 ~~on May 26, 2020, the governor shall not have the power or authority to~~
29 ~~restrict businesses from operating or to restrict the movement or gathering~~
30 ~~of individuals. The provisions of this subsection shall expire on September~~
31 ~~15, 2020.~~

32 (f) ~~The governor shall not have the power under the provisions of the~~
33 ~~Kansas emergency management act or the provisions of any other law to~~
34 ~~alter or modify any provisions of the election laws of the state including,~~
35 ~~but not limited to, the method by which elections are conducted or the~~
36 ~~timing of such elections.~~

37 (g) ~~The governor shall exercise the powers conferred by subsection~~
38 ~~(c) by issuance of orders under subsection (b). Each order issued pursuant~~
39 ~~to the authority granted by subsection (b) shall specify the provision or~~
40 ~~provisions of subsection (c) by specific reference to each paragraph of~~
41 ~~subsection (c) that confers the power under which the order was issued.~~
42 The adjutant general, subject to the direction of the governor, shall
43 administer such orders.

1 ~~(h) The board of county commissioners of any county may issue an~~
2 ~~order relating to public health that includes provisions that are less~~
3 ~~stringent than the provisions of an executive order effective statewide~~
4 ~~issued by the governor. Any board of county commissioners issuing such~~
5 ~~an order must make the following findings and include such findings in the~~
6 ~~order:~~

7 ~~(1) The board has consulted with the local health officer or other local~~
8 ~~health officials regarding the governor's executive order;~~

9 ~~(2) following such consultation, implementation of the full scope of~~
10 ~~the provisions in the governor's executive order are not necessary to~~
11 ~~protect the public health and safety of the county; and~~

12 ~~(3) all other relevant findings to support the board's decision.~~

13 Sec. 6. K.S.A. 2020 Supp. 48-925a is hereby amended to read as
14 follows: 48-925a. ~~(a) On and after September 15, 2020; During any state~~
15 ~~of disaster emergency related to the COVID-19 public health emergency~~
16 ~~declared pursuant to K.S.A. 48-924, and amendments thereto, the governor~~
17 ~~may not issue an order the closure or cessation of any that substantially~~
18 ~~burdens or inhibits the gathering or movement of individuals or operation~~
19 ~~of any religious, civic, business or commercial activity, whether for-profit~~
20 ~~or not-for-profit, for more than 15 days. At least 24 hours prior to the~~
21 ~~issuance of such order, the governor shall call a meeting of the state~~
22 ~~finance council for the purpose of consulting with the council regarding~~
23 ~~the conditions necessitating the issuance of such order. After such initial~~
24 ~~order or orders providing for the closure or cessation of any business or~~
25 ~~commercial activity have resulted in 15 days of such closures or cessation~~
26 ~~of business or commercial activity, the governor may not order the closure~~
27 ~~or cessation of business or commercial activity, except upon specific~~
28 ~~application by the governor to the state finance council and an affirmative~~
29 ~~vote of at least six of the legislative members of the council, the governor~~
30 ~~may order the closure or cessation of business or commercial activity as~~
31 ~~approved by the council for specified periods not to exceed 30 days each.~~

32 ~~(b) Any order issued that violates or exceeds the restrictions provided~~
33 ~~in subsection (a) shall not have the force and effect of law during the~~
34 ~~period of a state of disaster emergency declared under K.S.A. 48-924(b),~~
35 ~~and amendments thereto, and any such order shall be null and void.~~

36 ~~(c) The provisions of this section shall expire on January 26 March~~
37 ~~31, 2021.~~

38 Sec. 7. K.S.A. 2020 Supp. 48-963 is hereby amended to read as
39 follows: 48-963. (a) A physician may issue a prescription for or order the
40 administration of medication, including a controlled substance, for a
41 patient without conducting an in-person examination of such patient.

42 ~~(b) A physician under quarantine, including self-imposed quarantine,~~
43 ~~may practice telemedicine.~~

1 (c) (1) A physician holding a license issued by the applicable
2 licensing agency of another state may practice telemedicine to treat
3 patients located in the state of Kansas, if such out-of-state physician:

4 (A) Advises the state board of healing arts of such practice in writing
5 and in a manner determined by the state board of healing arts; and

6 (B) holds an unrestricted license to practice medicine and surgery in
7 the other state and is not the subject of any investigation or disciplinary
8 action by the applicable licensing agency.

9 (2) The state board of healing arts may extend the provisions of this
10 subsection to other healthcare professionals licensed and regulated by the
11 board as deemed necessary by the board to address the impacts of COVID-
12 19 and consistent with ensuring patient safety.

13 (d) A physician practicing telemedicine in accordance with this
14 section shall conduct an appropriate assessment and evaluation of the
15 patient's current condition and document the appropriate medical
16 indication for any prescription issued.

17 (e) Nothing in this section shall supersede or otherwise affect the
18 provisions of K.S.A. 65-4a10, and amendments thereto, or K.S.A. 2020
19 Supp. 40-2,215, and amendments thereto.

20 (f) As used in this section:

21 (1) "Physician" means a person licensed to practice medicine and
22 surgery.

23 (2) "Telemedicine" means the delivery of healthcare services by a
24 healthcare provider while the patient is at a different physical location.

25 (g) This section shall expire on ~~January 26~~ *March 31, 2021*.

26 Sec. 8. K.S.A. 2020 Supp. 48-965 is hereby amended to read as
27 follows: 48-965. (a) Notwithstanding any statute to the contrary, the state
28 board of healing arts may grant a temporary emergency license to practice
29 any profession licensed, certified, registered or regulated by the board to
30 an applicant with qualifications the board deems sufficient to protect
31 public safety and welfare within the scope of professional practice
32 authorized by the temporary emergency license for the purpose of
33 preparing for, responding to or mitigating any effect of COVID-19.

34 (b) This section shall expire on ~~January 26~~ *March 31, 2021*.

35 Sec. 9. K.S.A. 2020 Supp. 48-966 is hereby amended to read as
36 follows: 48-966. (a) Notwithstanding the provisions of K.S.A. 65-28a08
37 and 65-28a09, and amendments thereto, or any other statute to the
38 contrary, a licensed physician assistant may provide healthcare services
39 appropriate to such physician assistant's education, training and experience
40 within a designated healthcare facility at which the physician assistant is
41 employed or contracted to work as necessary to support the facility's
42 response to the COVID-19 pandemic without a written agreement with a
43 supervising physician. Such physician assistant shall not be liable in any

1 criminal prosecution, civil action or administrative proceeding arising out
2 of such physician assistant's lack of written agreement with a supervising
3 physician.

4 (b) Notwithstanding the provisions of K.S.A. 65-1130, and
5 amendments thereto, or any other statute to the contrary, a licensed
6 advanced practice registered nurse may provide healthcare services
7 appropriate to such advanced practice registered nurse's education, training
8 and experience within a designated healthcare facility at which the
9 advanced practice registered nurse is employed or contracted to work as
10 necessary to support the facility's response to the COVID-19 pandemic
11 without direction and supervision from a responsible physician. Such
12 advanced practice registered nurse shall not be liable in any criminal
13 prosecution, civil action or administrative proceeding arising out of such
14 advanced practice registered nurse's lack of direction and supervision from
15 a responsible physician.

16 (c) Notwithstanding the provisions of K.S.A. 65-1158, and
17 amendments thereto, or any other statute to the contrary, a registered nurse
18 anesthetist may provide healthcare services appropriate to such registered
19 nurse anesthetist's education, training and experience within a designated
20 healthcare facility at which the registered nurse anesthetist is employed or
21 contracted to work as necessary to support the facility's response to the
22 COVID-19 pandemic without direction and supervision from a physician.
23 Such registered nurse anesthetist shall not be liable in any criminal
24 prosecution, civil action or administrative proceeding arising out of such
25 registered nurse anesthetist's lack of direction and supervision from a
26 physician.

27 (d) Notwithstanding the provisions of K.S.A. 65-1113, and
28 amendments thereto, or any other statute to the contrary:

29 (1) A registered professional nurse or licensed practical nurse may
30 order the collection of throat or nasopharyngeal swab specimens from
31 individuals suspected of being infected by COVID-19 for purposes of
32 testing; and

33 (2) a licensed practical nurse may provide healthcare services
34 appropriate to such licensed practical nurse's education, training and
35 experience within a designated healthcare facility at which the licensed
36 practical nurse is employed or contracted to work as necessary to support
37 the facility's response to the COVID-19 pandemic without direction from a
38 registered professional nurse. Such licensed practical nurse shall not be
39 liable in any criminal prosecution, civil action or administrative
40 proceeding arising out of such licensed practical nurse's lack of
41 supervision from a registered professional nurse.

42 (e) Notwithstanding the provisions of K.S.A. 65-1626a, and
43 amendments thereto, or any other statute to the contrary, a licensed

1 pharmacist may provide care for routine health maintenance, chronic
2 disease states or similar conditions appropriate to such pharmacist's
3 education, training and experience within a designated healthcare facility
4 at which the pharmacist is employed or contracted to work as necessary to
5 support the facility's response to the COVID-19 pandemic without a
6 collaborative practice agreement with a physician. Such pharmacist shall
7 not be liable in any criminal prosecution, civil action or administrative
8 proceeding arising out of such pharmacist's lack of collaborative practice
9 agreement with a physician.

10 (f) Notwithstanding the provisions of K.S.A. 65-1115, 65-1116 and
11 65-1117, and amendments thereto, or any other statute to the contrary, a
12 registered professional nurse or licensed practical nurse who holds a
13 license that is exempt or inactive or whose license has lapsed within the
14 past five years from the effective date of this act may provide healthcare
15 services appropriate to the nurse's education, training and experience. Such
16 registered professional nurse or licensed practical nurse shall not be liable
17 in any criminal prosecution, civil action or administrative proceeding
18 arising out of such nurse's exempt, inactive or lapsed license.

19 (g) Notwithstanding any other provision of law to the contrary, a
20 designated healthcare facility may, as necessary to support the facility's
21 response to the COVID-19 pandemic:

22 (1) Allow a student who is enrolled in a program to become a
23 licensed, registered or certified healthcare professional to volunteer for
24 work within such facility in roles that are appropriate to such student's
25 education, training and experience;

26 (2) allow a licensed, registered or certified healthcare professional or
27 emergency medical personnel who is serving in the military in any duty
28 status to volunteer or work within such facility in roles that are appropriate
29 to such military service member's education, training and experience; and

30 (3) allow a medical student, physical therapist or emergency medical
31 services provider to volunteer or work within such facility as a respiratory
32 therapist extender under the supervision of a physician, respiratory
33 therapist or advanced practice registered nurse. Such respiratory therapist
34 extender may assist respiratory therapists and other healthcare
35 professionals in the operation of ventilators and related devices and may
36 provide other healthcare services appropriate to such respiratory therapist
37 extender's education, training and experience, as determined by the facility
38 in consultation with such facility's medical leadership.

39 (h) Notwithstanding any statute to the contrary, a healthcare
40 professional licensed and in good standing in another state may practice
41 such profession in the state of Kansas. For purposes of this subsection, a
42 license that has been suspended or revoked or a licensee that is subject to
43 pending license-related disciplinary action shall not be considered to be in

1 good standing. Any license that is subject to limitation in another state
2 shall be subject to the same limitation in the state of Kansas. Such
3 healthcare professional shall not be liable in any criminal prosecution, civil
4 action or administrative proceeding arising out of such healthcare
5 professional's lack of licensure in the state of Kansas.

6 (i) Notwithstanding any statute to the contrary, a designated
7 healthcare facility may use a qualified volunteer or qualified personnel
8 affiliated with any other designated healthcare facility as if such volunteer
9 or personnel was affiliated with the facility using such volunteer or
10 personnel, subject to any terms and conditions established by the secretary
11 of health and environment.

12 (j) Notwithstanding any statute to the contrary, a healthcare
13 professional may be licensed, certified or registered or may have such
14 license, certification or registration reinstated within five years of lapse or
15 renewed by the applicable licensing agency of the state of Kansas without
16 satisfying the following conditions of licensure, certification or
17 registration:

18 (1) An examination, if such examination's administration has been
19 canceled while the state of disaster emergency proclamation issued by the
20 governor in response to the COVID-19 pandemic is in effect;

21 (2) fingerprinting;

22 (3) continuing education; and

23 (4) payment of a fee.

24 (k) Notwithstanding any statute to the contrary, a professional
25 certification in basic life support, advanced cardiac life support or first aid
26 shall remain valid if such professional certification is due to expire or be
27 canceled while the state of disaster emergency proclamation issued by the
28 governor in response to the COVID-19 pandemic is in effect.

29 (l) Notwithstanding any statute to the contrary, fingerprinting of any
30 individual shall not be required as a condition of licensure and certification
31 for any hospital, as defined in K.S.A. 65-425, and amendments thereto,
32 adult care home, county medical care facility or psychiatric hospital.

33 (m) As used in this section:

34 (1) "Appropriate to such professional's education, training and
35 experience," or words of like effect, shall be determined by the designated
36 healthcare facility in consultation with such facility's medical leadership;
37 and

38 (2) "designated healthcare facility" means:

39 (A) Entities listed in K.S.A. 40-3401(f), and amendments thereto;

40 (B) state-owned surgical centers;

41 (C) state-operated hospitals and veterans facilities;

42 (D) entities used as surge capacity by any entity described in
43 subparagraphs (A) through (C);

1 (E) adult care homes; and

2 (F) any other location specifically designated by the governor or the
3 secretary of health and environment to exclusively treat patients for
4 COVID-19.

5 (n) The provisions of this section shall expire on ~~January 26~~ *March*
6 *31*, 2021.

7 Sec. 10. K.S.A. 2020 Supp. 60-5504 is hereby amended to read as
8 follows: 60-5504. (a) Notwithstanding any other provision of law, a
9 person, or an agent of such person, conducting business in this state shall
10 be immune from liability in a civil action for a COVID-19 claim if such
11 person was acting pursuant to and in substantial compliance with public
12 health directives applicable to the activity giving rise to the cause of action
13 when the cause of action accrued.

14 (b) The provisions of this section shall expire on ~~January 26~~ *March*
15 *31*, 2021.

16 Sec. 11. K.S.A. 2020 Supp. 41-2653, 48-924, 48-924b, 48-925a, 48-
17 963, 48-965, 48-966 and 60-5504 are hereby repealed.

18 Sec. 12. On and after January 26, 2021, K.S.A. 2019 Supp. 48-925, as
19 amended by section 34 of chapter 1 of the 2020 Special Session Laws of
20 Kansas, is hereby repealed.

21 Sec. 13. On and after March 31, 2021, K.S.A. 2019 Supp. 48-925, as
22 amended by section 34 of chapter 1 of the 2020 Special Session Laws of
23 Kansas, as amended by section 4 of this act, is hereby repealed.

24 Sec. 14. This act shall take effect and be in force from and after its
25 publication in the Kansas register.